

Amendment in Response to March 21, 2008 Office Action
Appl. No. 09/431,519
July 21, 2008

Remarks

Applicants request reconsideration on the merits of the above-referenced patent application.

I. Claim amendments

This amendment cancels claims 53-55, 59, 75, 85-87, and 89-93; and adds claims 94-105. Thus, claims 43-49, 51, 52, 56-58, 60-65, 67-74, 76-84, 88, and 94-105 are pending. Claims 43, 58, 68, 69, and 70 have been amended. Applicants submit that none of the amendments or new claims adds new matter. Specifically:

Claim 43 has been amended to incorporate the further limitation of claim 55, which previously depended from claim 53 via its dependency from claim 53.

Claim 58 has been amended to incorporate the further limitation of claim 59, which previously depended from claim 58.

Claims 68 and 69 have been amended to depend from claim 58 rather than claim 65.

Claim 70 has been amended to be independent, and incorporate the restrictions of claims 58, 65, and 68 (*i.e.*, its dominant claims).

New claims 94-105 correspond to subject matter restricted from examination pursuant to the March 17, 2000 restriction requirement. As noted below, Applicants request that claims 94-105 be joined pursuant to MPEP §821.04(b) once claim 58 has been allowed. Because claims 94-105 are not yet joined, they are identified as being "withdrawn - new," as required by MPEP §714(II)(C)(E).

Applicants reserve the right to pursue any canceled subject matter and/or any other subject matter disclosed in this application in one or more divisional and/or continuation applications.

II. Allowable Subject Matter

Applicants acknowledge that claims 76 and 77 have been allowed, and the subject matter of claims 55, 59-61, and 70 has been found to be allowable. Applicants thank the Examiner for his thorough review of these claims. Applicants note that:

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- (1) Claim 43 has been amended to incorporate the further restriction of claim 55.
Thus, the subject matter of claim 43, as amended, is necessarily allowable for the same reasons the subject matter of claim 55 is allowable.
- (2) Claim 58 has been amended to incorporate the further restriction of claim 59.
Thus, the subject matter of claim 58, as amended, is necessarily allowable for the same reasons the subject matter of claim 59 is allowable.

III. Response to rejection under 35 U.S.C. §103(a)

Claims 43-49, 51-54, 56-58, 62-65, 67-69, and 71-75 have been rejected under 35 U.S.C. §102(a) as being obvious over Deasy (US Patent 4,874,612) in view of Schaaf (US Patent 4,758,435). Applicants request withdrawal of this rejection.

At the outset, claims 53, 54, and 75 have been canceled. Thus, this rejection has been rendered moot by that amendment.

As to claim 43, the amendments incorporate the further restriction of claim 55 into claim 43. Claim 55 has been found to be patentable over the cited references. Thus, claim 43, as amended, necessarily must be patentable over the cited references.

Claims 44-49, 51, 52, 56, and 57 depend directly or indirectly from claim 43. Thus, they are necessarily patentable over the cited references for at least the same reasons as claim 43.

The amendment to claim 58 incorporates the further restriction of claim 59. Claim 59 has been found to be patentable over the cited references. Thus, claim 58, as amended, necessarily must be patentable over the cited references.

Claims 62-65, 67-69, and 71-74 depend directly or indirectly from claim 58. Thus, they are necessarily are patentable over the cited references for at least the same reasons as claim 58.

IV. Request for joinder of withdrawn claims

Claims 78-84, 88, and 94-105 correspond to subject matter restricted from examination pursuant to the March 17, 2000 restriction requirement. Specifically, claims 74-84 and 88 are directed to methods of using compositions falling within the scope of claim 43; and new claims 94-105 are directed to methods of using compositions falling with the scope of claim 58. Accordingly, Applicants request that claims 78-84, 88, and 94-105 be joined pursuant to MPEP

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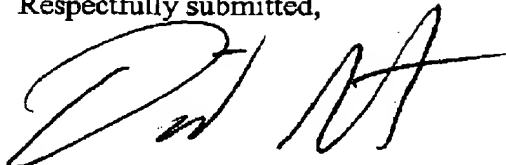
§821.04(b), which provides for such joinder as a matter of right once composition claims of equal or greater breadth have been allowed.

Applicants hereby request a one-month extension to respond to the March 21, 2008 Office action, and authorize the Commissioner to charge Deposit Account No. 02-2334 for the corresponding extension fee. Applicants do not believe that any other fee is due in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 02-2334. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 02-2334.

Applicants submit that the pending claims are in condition for allowance, and request that this application be allowed. The Examiner is requested to call the Undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.

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Respectfully submitted,

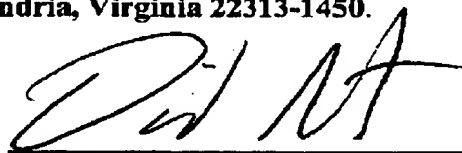


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CERTIFICATE OF FACSIMILE

I certify that this correspondence is being sent via facsimile on July 21, 2008 to facsimile no. (571) 273-8300 to the attention of Examiner Neil S. Levy, Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



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